

Appl. No. 09/419,927
Amdt. dated October 6, 2003
Reply to Office Action of June 10, 2003

REMARKS

Reconsideration of this application is respectfully requested.

Claims 10 and 12 through 15 are pending in the application with claim 11 having been cancelled, and new claims 10 and 12 through 15 having been amended.

The specification has been amended at the point indicated to correct two errors in the reported results of the experiments.

Support for the amendment to claim 10 appears in the application on page 10 beginning at line 28.

Claims 10-15 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, according to the Examiner, "There are no experiments or guidance provided showing that the claimed composition activates all eukaryotic cells to survival, proliferation or survival and proliferation, neither does the specification disclose the concentration of the claimed composition that is sufficient to activate eukaryotic cells to survival, proliferation or survival and proliferation."

The language "said extensin and said member are present in a concentration sufficient to activate eukaryotic cells to survival, proliferation, or survival and proliferation" has been deleted from the claims. Accordingly, it is requested that the rejection of claims 4-9 under 35 U.S.C. § 112, first paragraph, be withdrawn.

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Claims 10-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Specifically, according to the Examiner:

1) "Claim 10 recites 'a composition comprising..... (1) at least one pectin, 2) at least one polysaccharide found in pectin.....', however, it is unclear whether the claimed composition comprises: (1) an extensin and at least one pectin, or (2) an extensin and at least one 'polysaccharide' found in pectin, and if so, which polysaccharide?. While it is clear the first component of the claimed composition is extensin, the identity of the second component is unclear."

The language "at least one polysaccharide found in pectin" no longer appears in the claims.

2) "Regarding claim 10, the phrase 'activate' renders the claim indefinite because it is unclear how the eukaryotic cells are activated? Does this mean that the cells are stimulated to proliferate? Does it mean that the cells are promoted to survive? Clarification of the meaning of 'activate' is requested."

The term "activate" no longer appears in the claims.

3) "Claim 11 recites '...., wherein the member is a pectin', which renders the claim indefinite, because it is unclear which member is being referred to. Does this mean that the second member of the composition of claim 10 is pectin? Appropriate correction is required "

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Accordingly, it is requested that the rejection of claims 10-15 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,

6 OCT 03
Date

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